



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON, D.C. 20370-5100

ELP  
Docket No. 3111-00  
19 October 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 18 October 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 21 August 1997 for four years. At that time, you extended your enlistment for an additional period of 24 months in exchange for training in the advanced electronics field and accelerated advancement to pay grade E-4.

The record reflects that you were advanced to SA (E-2) and served without incident until 30 January 1998 when you were formally counseled regarding your failure to adapt to the military environment. You were warned that failure to take corrective action could result in administrative separation.

On 3 February 1998 you were notified that administrative separation was being considered by reason of entry level performance and conduct as evidenced by your failure to adapt to the military environment. You were advised of your procedural rights and particularly the right to consult with legal counsel. Whether you consulted with counsel or not is unclear from the

record. However, you declined to submit a statement in your own behalf and waived the right to have your case reviewed by the general court-martial convening authority.

The discharge authority noted that although you were counseled and warned, you were unwilling to change your behavior and become an asset to the Navy. You received an uncharacterized entry level separation on 13 February 1998 and were assigned an RE-4 reenlistment code.

Regulations require the assignment of an RE-4 reenlistment code to individuals who are discharged by reason of entry level performance and conduct. The Board noted your contentions to the effect that you enlisted in the Navy for the wrong reasons, were running away from your personal problems at home, were told you could be discharged for any reason within the first 180 days of service, convinced your superiors to discharge you, and now realize you made a mistake getting out the service. You also assert that you were not fully counseled on the adverse consequences that could accompany an entry level separation. The record clearly indicates that you were advised of all your rights and apparently waived them. The fact that you now realize you made some wrong choices two years ago does not provide a valid basis for changing a correctly assigned reenlistment code. Since you were treated no differently than others discharged under similar circumstances, the Board could find no error or injustice in your assigned reenlistment code. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director